

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL LANE,) Civil Action No. 11 - 893
Plaintiff,) District Judge Donetta W. Ambrose
v.)
RICHELLE L. ZIRKLE, Librarian;)
RHONDA HOUSE, Grievance)
Coordinator and C/O WORSTELL,)
Defendants.)

MEMORANDUM ORDER

On July 7, 2011, the above captioned case was filed in this Court and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 8, 2011 (ECF No. 4) recommending that Plaintiff's motion to proceed *in forma pauperis* (ECF No. 3) be denied in accordance with 28 U.S.C. § 1915(g) and that the action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until August 25, 2011 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 30th day of August, 2011;

IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed *in forma pauperis* (ECF No. 3) is **DENIED** in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that this action is **DISMISSED** for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 4) dated August 8, 2011, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Donetta W. Ambrose
Donetta W. Ambrose
United States District Judge

cc: Carl Lane
AS-1293
SCI Dallas
1000 Follies RD
Dallas, PA 18612